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7 UNITED STATES BANKRUPTCY COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 In re: Tony Fu,

11 Debtor.

Bankruptcy Case No.: 17-41205 CN
Chapter 7

AP # 17-04056

12 Thai Ming Chiu, Demas Yan, Legal
13 Recovery, LLC,
14 Plaintiffs,
15 v.
16 Tony Fu,
17 Defendant.

PLAINTIFF LEGAL RECOVERY LLC'S
MOTION TO DISMISS COMPLAINT
WITHOUT PREJUDICE

Date: 9/10/18

Time: 10 am

Ctrm: 215

Judge: Charles Novak

Place: 1300 Clay Street, Oakland, Ca. 94612

18 BACKGROUND

19 This adversary proceeding was filed on 8/2/17 by plaintiffs LEGAL RECOVERY LLC, THAI
20 MING CHIU, and LEGAL RECOVERY, LLC. Defendant debtor had filed answer. Plaintiff
LEGAL RECOVERY LLC had filed Claim no. 4 on 1/4/18 for the amount of \$6,605.20.

21 MEMORANDUM

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23 FRCP 41(a)(2) provides that an action may be dismissed at the plaintiff's request by court order
24 on terms that the court considers proper.
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26 Here, plaintiff LEGAL RECOVERY LLC has a claim of \$6,605.20 which is disproportionate to
27 the legal fees it incurred and expects to further incur in prosecuting this action. Dismissal of
28

1 plaintiff's claims in this action will not prejudice the defendant or the other plaintiffs remaining
2 in this action. Plaintiff has not entered into any agreement with any party related to this motion.

3 Respectfully submitted,
4 Dated: 8/24/2018
5 /s/MARK LAPHAM
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